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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,367	06/15/2001	Isik C. Kizilyalli	41277/MJM/A717	6713

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EXAMINER	
GUERRERO, MARIA F	

ART UNIT	PAPER NUMBER
2822	

DATE MAILED: 02/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,367	KIZILYALLI ET AL.	
	Examiner	Art Unit	
	Maria Guerrero	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13,15-17,19,20 and 22-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13,15-17,19,20 and 22-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed August 2, 2003.

Claims 2, 14, 18, and 21 are canceled.

Claims 1, 3-13, 15-17, 19-20, 22-27 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-6, 10-13, 15, 17, 19-20, 22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (U.S. 6,399,450) in view of Shiozawa et al. (U.S. 5,970,352) and Murthy et al. (U.S. 6,235,568).

Yu discloses a process for manufacturing a semiconductor transistor having elevated (raised) source and drain regions (abstract). Yu teaches providing a transistor gate 18 on a substrate surface and a source/drain region (22/24) defined as surface region extending laterally from the transistor gate 18 (Fig. 2). Yu teaches forming an amorphous silicon layer 53 including a dopant, converting the amorphous silicon layer 53 to a single crystalline silicon layer by using an excimer laser annealing process, the annealing process is controlled so that layer 53 is fully melted and substrate 14 is not melted (selective laser annealing) (col. 6, lines 45-60).

In addition, Yu shows forming an insulating layer over the raised source/drain contact structure and utilizing conventional MOSFET fabrication processes to form contacts (Fig. 1, column 7, lines 6-12).

Furthermore, Yu teaches providing a semiconductor substrate having a surface, providing a transistor region in the substrate, forming a gate stack including a gate electrode 36 formed over a gate dielectric 34 (Fig. 2, col. 3, lines 63-67, col. 4, lines 3-10, 37-40). Yu discloses the gate stack is covering with an insulating material, the lateral portions of the transistor region not covered by the gate stack being designated source/drain regions (col. 5, lines 17-45). Yu teaches forming a discrete amorphous silicon layer 53 including dopant impurities over the transistor region, irradiating with a laser beam, removing the energy associated with the annealing process (allowing cooling) to convert the discrete amorphous silicon layer 53 to a crystalline silicon layer, and activating the dopant impurities in the source/drain regions (Fig. 7-8, col. 6, lines 10-30, 47-65). Yu discloses forming the opposed duality of discrete raised source/drain contact structures (Fig. 1 and 8).

Furthermore, Yu teaches forming a dielectric structure over the gate stack prior the step of forming the discrete amorphous silicon film, portions of the dielectric structure cover (encroach) the sides of the gate stack, and forming the amorphous silicon film over at least portions of the dielectric structure (Fig. 3-5, col. 5, lines 40-60).

3. Regarding claims 1, 17, and 24, Yu fails to show patterning the crystalline silicon layer to form a duality of raised source/drain contact structures, implanting impurities into the crystalline silicon layer and the source/drain region after the step of converting.

However, Yu teaches the patterning the amorphous layer to form the duality of raised source/drain contact structures (Fig. 4-6, col. 5, lines 64-67, col. 6, lines 1-15), implanting impurities prior to the step of converting. However, Shiozawa et al. shows patterning the crystalline silicon film to form interconnections over the source/drain regions and implanting impurities into the crystalline silicon layer and the source/drain region (Fig. 3(f)-3(h), col. 6, lines15-35).

4. Regarding claims1, 3-6, 10-13, 15, 17, 19-20, 22, and 24-27, Yu fails to show the substrate having isolation structures, patterning the crystalline silicon layer to form a duality of raised source/drain contact structures that extend over at least part of the isolation structures, and converting the amorphous silicon layer to a polycrystalline silicon layer. Yu does not specifically show urging at least some of the dopant impurities to diffuse into the source/drain region and providing a metal gate. However, Shiozawa et al. shows forming isolation structures on the semiconductor substrate, providing the transistor comprising a metal gate, and patterning the crystalline silicon film to form interconnections over the source/drain regions and extending on to the isolation regions (Fig. 3(a)-3(c), 3(f)-3(g), col. 3, lines 62-67, col. 4, lines 1-10, 22-40, col. 6, lines 15-25, 60-65).

Shiozawa et al. also teaches converting the amorphous silicon layer to polysilicon (polycrystalline silicon), forming the insulating layer over the raised source/ drain contact structures, and forming at least one contact opening through the insulating layer to expose a corresponding portion of the raised source/ drain contact structures (Fig. 3(j), col. 5, lines 25-30, col. 6, lines 35-40).

Furthermore, Murthy et al. shows urging at least some of the dopant impurities to diffuse into the source/drain region during the annealing step (col. 12, lines 26-55). Murthy et al. also shows providing a metal gate instead of polysilicon gate (col. 4, lines 65-67, col. 5, lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Yu's process by including the teachings of Shiozawa et al. and Murthy et al. in order to reduce the process time, to increase planarity, and to increase the alignment margin for forming contacts to the elevated source and drain regions (Shiozawa et al., col. 4, lines 24-40, col. 6, lines 60-65).

5. Claims 7-9, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (U.S. 6,399,450), Shiozawa et al. (U.S. 5,970,352), and Murthy et al. (U.S. 6,235,568) as applied to claims 1, 3-6, 10-13, 15, 17, 19-20, 22, and 24-27 above, and further in view of Kohno et al.

Regarding claim 9, Yu fails to show the transistor gate including a metal gate and the step of converting does not melt the metal gate. However, Shiozawa et al. teaches providing the transistor comprising a metal gate (col. 4, lines 50-65). Shiozawa et al. does not show the metal gate being melted. Therefore, a person of ordinary skill would recognize that the metal gate would not be melted during Yu's converting process because only the amorphous silicon layer is melted.

Regarding claims 7-9, 16, and 23, the combination of Yu, Shiozawa et al., and Murthy et al. fails to show using an XeCl excimer laser emitting light, the excimer laser emits radiation at or near the absorption peak of silicon. However, Kohno et al. shows a

crystallization process using the XeCl excimer laser emitting light (308 nm) and the excimer laser energy emitting radiation that is almost absorbed in silicon (near the absorption peak of silicon) (page 252).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Yu, Shiozawa et al., and Murthy et al. by specifying the use of XeCl excimer laser as taught Kohno et al. because the wavelength corresponded with the wavelength utilized by Yu (308 nm) (Yu, col. 6, lines 46-48). The modification would reduce the time for crystallization (Kohno et al., page 252).

Response to Arguments

6. Applicant's arguments filed August 2, 2003 have been fully considered but they are not persuasive. Claims 1, 3-13, 15-17, 19-20, and 22-27 stand rejected.

In response to applicant's argument that the crystalline silicon film of Shiozawa is not formed "using selective laser annealing, Yu teaches forming an amorphous silicon layer 53 including a dopant, converting the amorphous silicon layer 53 to a single crystalline silicon layer by using an excimer laser annealing process, the annealing process is controlled so that layer 53 is fully melted and substrate 14 is not melted (selective laser annealing) (col. 6, lines 45-60). Shiozawa is cited as evidence to show patterning the crystalline silicon film to form interconnections over the source/drain regions as conventional in the art (Fig. 3(d)-3(g), col. 6, lines 15-25, 60-65).

In response to applicant's argument that Murthy et al. does not at all deal with selective laser annealing, as stated above Yu teaches the selective laser annealing step

(col. 6, lines 45-60). Murthy et al. is cited as evidence to show that during the annealing step urging at least some of the dopant impurities to diffuse into the source/drain region is widely recognized by a person of ordinary skill in the art (col. 12, lines 26-55).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, during examination, the claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); MSM Investments Co. v. Carolwood Corp., 259 F.3d 1335, 1339-40, 59 USPQ2d 1856, 1859-60 (Fed. Cir. 2001).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kizilyalli et al. (U.S. 6,602,758) is pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Guerrero whose telephone number is 571-272-1837.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on 571-272-1852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

María Guerrero

Maria Guerrero
Primary Examiner
February 10, 2004